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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,750	07/26/2001	Abdul Q. Khan	5637II	7483

7590

03/04/2003

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EXAMINER

ALVO, MARC S

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 03/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/915,750

Applicant(s)

KHAN ET AL.

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 155 966 in view of ZEMAN (4,913,841).

GB 2 155 966 teaches digesting wood chips used in papermaking by adding an amphoteric surfactant to the pulping liquor to aid the penetration of the chemicals into the wood chips and dissolution of the lignin in shorter periods of time (page 1, lines 28-32). ZEMAN teaches that sulfo-betaine (sultaine) can be used as an amphoteric surfactant (column 1, lines 49-59) in paper pulping. It would have been prima facie obvious to use the amphoteric surfactant (sultaine) of ZEMAN as the amphoteric surfactant of GB 2 155 966, as GB 2 155 966 teaches amphoteric surfactants increase the penetration into the wood chips of the cooking chemicals.

Claims 2-9 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over GB 2 155 966 in view of ZEMAN as applied to claim 1 above, and further in view of VICTOR et al (5,728,265).

GB 2 155 966 teaches using the amphoteric surfactant in combination with nonionic surfactants (page 2, lines 48-52). VICTOR teaches using alkoxylated alcohols and alkoxylated polyglycosides as nonionic surfactants to enhance the penetration of white liquor into wood chips to liquor to aid the penetration of the chemicals into the wood chips and dissolution of the lignin in the chips during the pulping of wood. It would have been obvious to use the nonionic surfactants of VICTOR as the nonionic surfactant GB 2 155 966, as both GB 2 155 966 and

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VICTOR use the surfactants for the same purpose of improving the penetration of the liquor into the wood chips. It would have been obvious to use the surfactants in equal amounts, e.g. 50:50.

Claim 10/1, 11/1 and 12/1 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2 155 966 in view of ZEMAN as applied to claim 1 above, with or without NADOLSKY.

If the claimed sultaine compositions differ from that of ZEMAN, then the claimed sultaines are taught by NADOLSKY. It would have been obvious to the artisan to use the sultaine of NADOLSKY as the sultaine of ZEMAN.

Claim 10/2-9, 11/2-9 and 12/2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over 2 155 966 in view of ZEMAN and VICTOR as applied to claim 1 above, with or without NADOLSKY.

If the claimed sultaine compositions differ from that of ZEMAN, then the claimed sultaines are taught by NADOLSKY. It would have been obvious to the artisan to use the sultaine of NADOLSKY as the sultaine of ZEMAN.

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Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is (703) 308-2048. The Examiner can normally be reached on Monday - Friday from 6:00 AM - 2:30 PM (EST).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on 703-308-1164.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is **703-308-0661**.

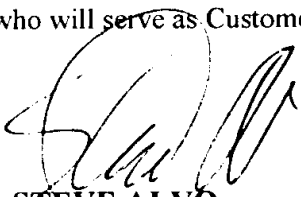
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MSA  
3/3/03



**STEVE ALVO**  
**PRIMARY EXAMINER**  
**ART UNIT 1731**